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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,893	01/30/2004	Shinichi Takahashi	03670.002260	4193
5514 7590 01/10/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/766,893

Applicant(s)

TAKAHASHI ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 15-34, 38-57, 61-80, and 84-92 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14, 35-37, 58-60, and 81-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II in the reply filed on 23 October 2006 is acknowledged. All pending claims not withdrawn (12-14, 35-37, 58-60, and 81-83) were examined in this non-final office action.

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 12, 14, 35, 37, 58, 60, 81, and 83 are rejected under 35 USC 102(e) as being anticipated by Aklepi (US 6,795,823).**

Aklepi teaches all the limitations of claims 12, 14, 35, 37, 58, 60, 81, and 83.

For example, Aklepi discloses an article routing and tracking system and method for optimally routing an article through a network of processing stations, and can re-calculate the route at every stop based on updated information (see at least abstract; Fig. 1; col. 1, line 5 through col. 6, line 41). Aklepi further discloses:

- transmitting to the server product inquiry information including a product number; system receives as search criteria for a global database a customer number to locate, track, and control multiple packages sharing a common characteristic; the global database of routing and tracking information maintains a separate record for each article handled by the system, the basic identifier being an article tracking number unique to the article; additional identifiers can be associated with the article (see at least col. 6, lines 17-24; col. 9, lines 24-41).
- and receiving a plurality of estimated time of arrivals to a plurality of destinations for at least one in-transit unit having the product number. all routing activities are centralized in the global computer server which, in turn, may be accessed and manipulated through an electronic communications network such as the Internet; an authorized user accesses the system from a personal computer through a standard Internet browser and enters the tracking number or customer identifier for the article or articles to be tracked. The authorized user is then be presented with a page showing the present status of the articles, tracking

activity for each article, and the next scheduled stop along with an estimated time and date of delivery based on the most recent optimized routing. Using the browser, the user is then be able to modify routing options for each article or for the entire group of articles. The routing options may include, without limitation, canceling shipments in transit, changing the final destination of an article or articles, changing routing optimization variables by assigning more or less weight to factors such as average speed between processing stations, weather or traffic, requesting that articles be held at particular processing stations, requesting consolidation or de-consolidation of shipments, and requesting that a particular route be used regardless of optimization considerations. Any custom routing options entered by the user are then translated into a set of routing rules for the affected global database article records. At the next stop in each article's route, the global server will query the routing rules and take them into account when re-calculating the optimal route for each article. If no custom routing option's are specified by the user, the optimized route is re-calculated using a predetermined set of default routing rules (see at least col. 10, lines 13-42). Please note: changing the routing of an article multiple time or multiple articles results in recalculating estimated arrival times and dates.

- receiving an acknowledgement from the server that it has diverted one of the at least one in-transit units to a final destination corresponding to the

destination identifier. Provides final destination identifier and updates searchable global database having reached final destination (see at least col. 4, line 50 through col. 5, line 26).

- transmitting to the server a product purchase order including a product number, a quantity number, and a customer identifier; and receiving an acknowledgement from the server that the product order has been accepted, wherein the server diverts one of the at least one in-transit units of that product number to a final destination based on the customer identifier. Purchase order number identifier associated with one or more articles, the identifier being a common characteristic among the articles purchased and being shipped (see at least col. 9, lines 24-41). Please note: system providing tracking information associated with a customer purchase order serves as acknowledgement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3. Claims 13, 36, 59, and 82 are rejected under 35 USC 103(a) as being unpatentable over Aklepi (US 6,795,823).**

Aklepi teaches all the above as noted under the 102(e) rejection and teaches a) requesting by a user to re-route an individual article, multiple articles (i.e. quantities), or container to a new destination and/or final destination, b) using a destination identifier for tracking purposes (see at least col.8, lines 16-20), and further teaches common carriers providing transportation, multiple transportation routes, and tracking movement of a single article, but does not specifically disclose a carrier identification. One of ordinary skill in the art would ascertain as a prudent business practice to be able to uniquely identify at least the business identities of the common carriers used to haul the articles. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Aklepi to disclose use of carrier identification as ascertained by one of ordinary skill in the art, in order to uniquely identify the source of transportation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
January 5, 2007